

In the United States Court of Appeals  
for the Eighth Circuit

United State of America,	)	
	)	
Appellee,	)	
	)	
v.	)	No. 13-3253
	)	
Fred Robinson,	)	
	)	
Appellant.	)	

**CONSENT MOTION OF AMERICAN CIVIL LIBERTIES UNION AND  
AMERICAN CIVIL LIBERTIES UNION OF MISSOURI FOR LEAVE TO FILE  
A BRIEF AS AMICI CURIAE IN SUPPORT OF APPELLANT**

Come now American Civil Liberties Union and American Civil Liberties Union of Missouri, pursuant to Fed. R. App. P. 29, and, with consent of the parties, seek leave to file a brief as amici curiae in support of Appellant. In support, movants state:

1. Federal Rule of Appellate Procedure 29(a) permits the filing an amicus-curiae brief where all parties have consented to its filing.
2. All parties have consented to the filing of the movants' brief addressing whether law enforcement agents may attach a GPS device to a car to

track its movements without first obtaining a warrant based on probable cause.

3. The American Civil Liberties Union (“ACLU”) is a nationwide, nonprofit, nonpartisan organization with over 500,000 members dedicated to defending the principles embodied in the Constitution and our nation’s civil rights laws. The ACLU of Missouri is one of the organization’s state affiliates. Since its founding in 1920, the ACLU has appeared before the federal courts on numerous occasions, both as direct counsel and as *amicus curiae*. The protection of privacy as guaranteed by the Fourth Amendment is of special concern to the organization. The ACLU has filed *amicus* briefs in a number of location tracking cases, including in the district court below and in *United States v. Jones*, 132 S. Ct. 945 (2012), the decision that is at the core of the issues raised in this case.
4. The proposed brief is conditionally filed herewith.

WHEREFORE movants respectfully request leave to file a brief as amici curiae in support of Appellant.

Respectfully submitted,

/s/ Anthony E. Rothert  
ANTHONY E. ROTHERT  
American Civil Liberties Union  
of Missouri Foundation  
454 Whittier Street  
St. Louis, Missouri 63108  
Phone – 314/652-3114  
Fax – 314/652-3112

**Certificate of Service**

I certify that a copy of the forgoing was filed electronically with the Clerk and delivered by operation of the CM/ECF system to the counsel of record on February 19, 2014.

/s/ Anthony E. Rothert